

# **Title 27**

## **Environmental Protection**

### **Division 1**

#### **General Functions and Responsibilities**

#### **Subdivision 4**

##### **State Delegation**

##### **Chapter 1**

##### **Unified**

#### **Hazardous Waste and Hazardous Materials**

#### **Management**

#### **Regulatory Program**

May 14, 1999

# **UNIFIED PROGRAM INFORMATION COLLECTION AND REPORTING STANDARDS**

## **TEXT OF PROPOSED REGULATIONS**

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## **Part I: Definitions, Application, and Certification**

### **Article 1. Introduction**

#### **15100. *What is the Unified Program?***

(a) The Secretary administers the Unified Program pursuant to Chapter 6.11 of the Health and Safety Code and regulations of this Division. This Division integrates but does not duplicate requirements established pursuant to:

(1) The Hazardous Waste Generator Program and the Hazardous Waste Generator Onsite Treatment activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers - Health and Safety Code, Division 20, Chapter 6.5, (generally supplemented by Division 4.5, Title 22 of the California Code of Regulations);

(2) The Aboveground Storage Tank Program Spill Prevention Control and Countermeasure Plan requirements - Health and Safety Code, Division 20, Chapter 6.67, Section 25270.5(c);

(3) The Underground Storage Tank Program - Health and Safety Code, Division 20, Chapter 6.7;

(4) The Hazardous Materials Release Response Plans and Inventory (Business Plan) program - Health and Safety Code, Division 20, Chapter 6.95, Article 1 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2620-2732);

(5) The Risk Management and Prevention Program (RMPP) - Health and Safety Code, Division 20, Chapter 6.95, Articles 2 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2620-2732);

(6) The Hazardous Materials Management Plans and the Hazardous Materials Inventory Statement requirements - Section 80.113, Part 9 of Title 24, California Code of Regulations.

(b) Health and Safety Code, Division 20 Chapter 6.11 and these regulations outline the requirements for the Unified Program for hazardous materials and hazardous waste management, which is set forth in state law and will be implemented by state and local government.

(1) The Secretary of the California Environmental Protection Agency (Secretary) will develop and implement a "unified hazardous waste and hazardous materials management" regulatory program. The implementation of Health and Safety Code, Chapter 6.11 shall not result in a hazardous waste and hazardous materials management program (Unified Program) which is more fragmented than those programs now in existence.

(2) The Secretary will work with and consider input from state agencies that have responsibilities to manage Unified Program elements to provide for a consolidated, coordinated, and consistent Unified Program throughout the state. The Governor's Office of Emergency Services has responsibility for the Business Plan program and the Risk Management and Prevention program. The State Fire Marshal has responsibility for Section 80.103 of the Uniform Fire Code, as adopted pursuant to Section 13143.9 of the Health and Safety Code, concerning the Hazardous Materials Management Plan and Hazardous Materials Inventory Statement. The State Water Resources Control Board has responsibility for the Underground Storage Tank program and represents the Regional Water Quality Control Boards for the Above Ground Tank Spill Prevention Control and Countermeasure plan. The Department of Toxic Substances Control has responsibility for the Hazardous Waste Generator and Onsite Hazardous Waste Treatment programs.

(3) The Unified Program shall provide to a "Certified Unified Program Agency" (CUPA) the authority to apply statewide standards to each facility within its jurisdiction.

(4) If no local agency has been certified within the unincorporated area of the county, the Secretary shall determine which agency should be designated as the CUPA or authorize certain state or local agencies' roles, responsibilities, and authorities to continue pursuant to Health and Safety Code, Section 25404.3(f)(2).

(A) Any agency designated by the Secretary as the CUPA pursuant to Health and Safety Code, Section 25404.3(f)(2) must comply with the requirements in these regulations.

(B) Any state or local agency authorized to continue its role, responsibilities and authority pursuant to Health and Safety Code, Sections 25404.3(f)(2) or 25533(f) shall comply with the requirements in the regulations placed on CUPAs with the exception of Articles 3, 4, and 7, Sections 15210, 15220, 15230, 15240, 15250, and 15260.

(5) The Unified Program requires the CUPA in a jurisdiction to consolidate permits, coordinate enforcement of regulations and ordinances, and develop and coordinate a single inspection and enforcement program.

(6) The Unified Program requires each CUPA to institute a single fee system, which shall replace certain fees levied by state and local agencies; the revenue collected through this single fee will be used to fund the administration of those activities which will compose the Unified Program.

(7) The Secretary must review local agency applications for certification as a CUPA and consider the agency's resources as criteria for certification; more than one agency may be included in the application and certified to implement the program elements of the Unified Program.

(8) The Secretary is required to periodically review the ability of each CUPA to carry out the Unified Program; the Secretary may withdraw an agency's certification if the agency has failed to adequately implement the program.

(c) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Hazardous Waste Generator and Onsite Hazardous Waste Treatment elements are clarified as follows:

(1) DTSC will coordinate, to the maximum extent feasible, the responsibilities concerning hazardous waste generators and onsite hazardous waste treatment activities with the CUPA at a hazardous waste Treatment, Storage and Disposal (TSD) facility.

(2) CUPAs may refer enforcement cases to the DTSC. DTSC may accept enforcement cases at its discretion.

(3) CUPAs will establish procedures to accept the following reports from businesses:

(A) Contingency Plan activation report for permitted facilities ( 22 CCR 66264.56(j) and 22 CCR 66265.56(j)).

(B) Release reports for tank systems or secondary containment systems reporting the release of a reportable quantity (22 CCR 66265.196(e)).

(C) Tiered Permitting Closure Reports.

(4) CUPAs will review source reduction documents required of businesses pursuant to Health and Safety Code, Sections 25244.19, 25244.20, and 5244.21 and may impose civil penalties pursuant to Health and Safety Code, Section 25244.21(a).

(5) Hazardous Waste Manifest documents will continue to be submitted to the DTSC.

(6) Hazardous Waste Manifest Exception Reports will continue to be submitted to the DTSC.

(7) The DTSC will retain responsibility for hazardous waste classifications.

(8) The DTSC will retain responsibility for the oversight of the exports out of the country of hazardous waste.

(9) The DTSC and the US Environmental Protection Agency will retain responsibility for issuing EPA ID numbers.

(10) The DTSC will retain responsibility for the following elements of the Hazardous Waste Source Reduction and Management Review Act of 1989 (Health and Safety Code, Sections 25244.12 et. seq.):

(A) Conduct a technical and research assistance program pursuant to Health and Safety Code, Section 25244.17.

(B) Select at least two categories of generators by SIC Code every two years to identify successful source reduction measurers pursuant to Health and Safety Code, Section 25244.18(a).

(C) Impose civil penalties pursuant to Health and Safety Code, Section 25244.18(d)(2).

(D) Report to the legislature pursuant to Health and Safety Code, Section 25244.22.

(11) The DTSC will retain the responsibility to collect Biennial Reports specified in 22 CCR 66262.41.

(d) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Aboveground Storage Tank program element are clarified as follows:

(1) Aboveground Storage Tank Spill Prevention Control and Countermeasure (SPCC) Plan responsibilities for CUPAs are: To determine if an SPCC Plan is required, verify that a plan is on site when required, and refer facilities lacking required plans to the appropriate Regional Water Quality Control Board for follow-up procedures.

(e) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Underground Storage Tank program elements are clarified as follows:

(1) A CUPA may oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks pursuant to the Local Oversight program (LOP) listed in Health and Safety Code, Section 25297.1, providing the following criteria are met:

(A) The CUPA must demonstrate its capability to oversee corrective action by having two years of acceptable experience implementing the underground storage tank program under Regional Water Quality Control Board oversight after which time the CUPA may apply to the State Water Resources Control Board (SWRCB) to enter into an agreement for the Local Oversight Program (LOP).

(B) The funding source available to the SWRCB is sufficient to cover the LOP agreements.

(f) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Business Plan and RMPP program elements are clarified as follows:

(1) OES will coordinate the consolidation of planning formats pursuant to Health and Safety Code, Section 25503.4.

(2) OES will coordinate program responsibilities concerning Business Plans and RMPP activities.

(3) OES will coordinate revisions to the single comprehensive hazardous material reporting form required pursuant to Health and Safety Code, Section 25503.3 and to the RMPP guidance document.

(4) CUPAs will establish procedures for acceptance, tracking and maintenance of Business Plans, RMPP, and acutely hazardous materials registration forms from



regulated businesses.

(5) CUPAs will establish procedures for acceptance, tracking and maintenance of reports of any release or threatened release of a hazardous material which poses the potential for significant hazard.

(6) CUPAs will integrate information from the business plans submitted into the development and implementation of an area plan, as defined in Health and Safety Code, Chapter 6.95, Article 1, within their jurisdiction.

(7) CUPAs shall ensure emergency response personnel and OES full access to information collected and maintained regarding implementation of Business Plans and RMPP program elements.

(g) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Hazardous Materials Management Plan and Hazardous Materials Inventory Statement (Health and Safety Code, Section 25404(c)(6)) is clarified as follows:

(1) The State Fire Marshal (SFM) will coordinate program responsibilities concerning the Hazardous Material Management Plan and Hazardous Materials Inventory Statements.

(2) The Hazardous Material Management Plan and Hazardous Materials Inventory Statements, when required, will comply with Health and Safety Code, Sections 25500 through 25545 and California Code of Regulations, Title 19, Division 2, Chapter 2, Section 2620 et. seq.

(3) Each CUPA will ensure full access to and availability of information submitted under Section 80.103 (b) and (c), Part 9 of the CCR Title 24, to any Chief of any county or city fire department or district with shared responsibility for protection of the public health and safety of the environment. The CUPA will forward the data collected, within 15 days of receipt and conformation, to the county or city fire department or district.

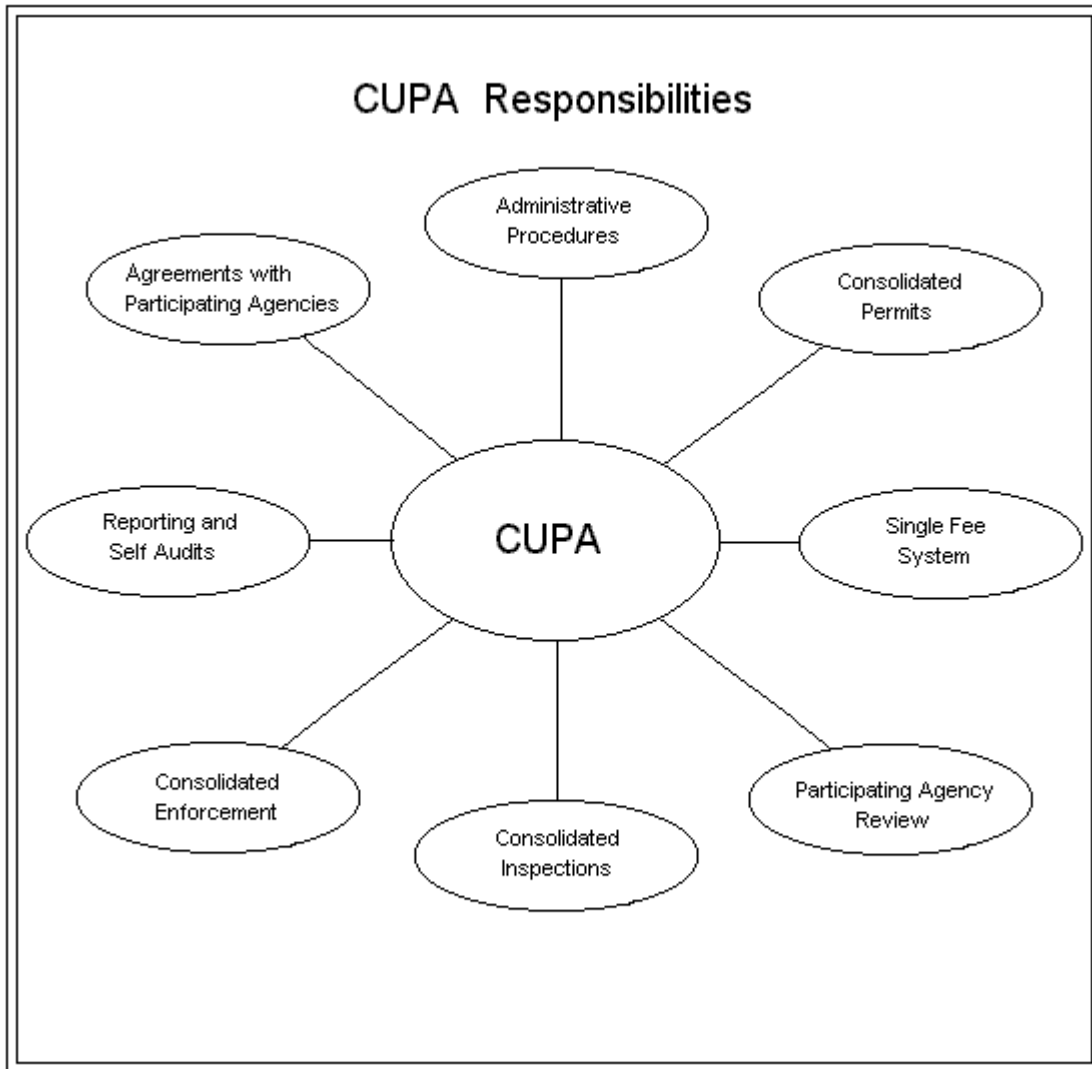
(h) An applicant agency shall apply to the Secretary according to the provisions of Sections 15130, 15140, 15150, and 15160 to become a Certified Unified Program Agency.

(i) An applicant agency which is granted certification pursuant to Articles 4 and 5 shall implement the Unified Program as specified in the implementation plan submitted in compliance with Section 15150(e)(6).

(j) A Certified Unified Program Agency shall maintain certification through the administration of the Unified Program in compliance with Articles 5 and 6.

Authority cited: Sections 25404(b), 25404.1(b)(1), 25404.3(f), and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c), and (d), 25404.1, 25404.2(a) and (c), 25404.3(f), 25404.5 and 25533(f), Health and Safety Code.

Figure 1



## Article 2. Definitions

### ***15110. What terms need to be clarified to understand the Unified Program regulations?***

(a) For purposes of this Division, the following terms have the following meanings. All Health and Safety Code citations reference Division 20 unless otherwise specified.

**Applicant Agency** means a county, city or other local agency which is applying to the Secretary to become a Unified Program Agency.

**Certified Unified Program Agency or CUPA** is an agency which has been certified pursuant to the requirements of Chapter 6.11 and these regulations.

**Consolidated Permit** means those permits required to be consolidated pursuant to Health and Safety Code, Section 25404(c) and other permits not specifically required by Health and Safety Code, Section 25404(c) but included within a Unified Program. The Consolidated Permit may be a single permit or multiple permits in a single package which shall minimize duplicate information.

**Enforcement Actions.** There are the following types of Unified Program enforcement actions:

(1) **Formal Enforcement** is an action which mandates compliance and initiates a civil, criminal, or administrative process which results in an enforceable agreement or order. Enforceable means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated. Examples include administrative orders and civil and criminal referrals to the appropriate prosecutor.

(2) **Informal Enforcement** is an action other than a formal enforcement action that notifies the regulated business of its non-compliance and establishes a date by which that non-compliance is to be corrected. Examples include a letter or notice of violation. Informal actions do not impose sanctions.

(3) **Integrated or Multi-media Enforcement** is a formal enforcement action involving either Unified Program and non-Unified Program Agencies or involving more than one environmental medium (i.e.; air, water, soil). An integrated or multimedia enforcement requires more than one agency's involvement or one medium-specific action to bring about compliance or to abate, investigate, prosecute, or remediate the violations.

**Inspection Categories.** There are four (4) categories of Unified Program inspections. One inspection may be reported in more than one category:

(1) **Single Program Inspection** is an inspection of a regulated business conducted by one inspector for only one Unified Program element.

(2) **Combined Inspection** is an inspection of a regulated business conducted by one inspector representing two or more Unified Program elements or other program elements.

(3) **Joint Inspection** is an inspection of a regulated business, conducted by two or more inspectors representing different Unified Program Agencies within a CUPA, specifically to evaluate operations within the expertise of those regulatory agencies.

(4) **Integrated or Multi-media Inspection** is an inspection either involving Unified Program and non-Unified Program Agencies and/or

involving more than one environmental medium (i.e.; air, water, soil) of a regulated business that results in consolidating inspections.

**Inspection Types.** There are two (2) types of Unified Program inspections, which for reporting purposes are mutually exclusive:

(1) **Routine Inspection** is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.

(2) **Other Inspection** includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principle purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators. "Other Inspection" also includes verification inspections for the administrative requirement of subdivision (c) of Section 25270.5 for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.

**Participating Agency** is an agency which has a formal agreement with the CUPA to implement and enforce a program element as part of the Unified Program.

**Program Element** is a program listed in Health and Safety Code, Section 25404(c), or it may be a program other than those mandated in Health and Safety Code, Section 25404(c) which is voluntarily consolidated into a Unified Program, to be carried out in conjunction with a program listed in 25404(c).

**Regulated Business** means any of the following:

(1) "person" as defined in: (A) the Hazardous Waste Management Program, Health and Safety Code, Chapter 6.5, Section 25118 and (B) the California Hazardous Substances Tax Law, Revenue and Taxation Code Part 22, Division 2, Section 43006.

(2) "business" as defined in the Hazardous Materials Emergency Response Plan and Inventory (Business Plan) program, Health and Safety Code, Chapter 6.95, Section 25501(d).

(3) "facility" as defined in the Underground Storage Tank Program, Health and Safety Code, Chapter 6.7, Section 25281(e).

(4) "tank facility" as defined in the Aboveground Storage Tank Program, Health and Safety Code, Chapter 6.67, Section 25270.2(l).

(5) "hazardous waste facility" as defined in the Hazardous Waste Management Program, Health and Safety Code, Chapter 6.5, Section 25117.1.

(6) "stationary source" as defined in the California Accidental Release Prevention Program, Health and Safety Code, Chapter 6.95, Section 25532(k).

**Responsible Agency** is the Certified Unified Program Agency (CUPA) or participating agency (PA), which implements a particular program element of the Unified Program.

**Unified Program Data Dictionary** (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by a CUPA. It has the following sections:

(1) **Business Section:** for information reported from businesses to CUPAs. [Appendix C]

(2) **CUPA Section:** for CUPA-to-State reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to Section 15290. [Appendix D]

**Unified Program Consolidated Form (UPCF)** is a form used by Unified Program regulated businesses to provide a standardized document to satisfy numerous business-to-CUPA reporting requirements. It consolidates information regulated businesses are required to provide for different program elements to the CUPA. It incorporates or replaces previous state and local forms for Unified Program program elements. The UPCF consists of the sections described in Section 15410 and is found in Appendix E.

Authority cited: Section 25404(b), (c), (d), and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25117.1, 25118, 25270.2(d) and (e), 25281(i), 25404(c) and (d), 25404.1(a) and (b)(3), 25404.3(d)(4), 25404.5(a) and (b), 25404.6(c), 25501(d), and 25532(k) Health and Safety Code; Section 43006, Revenue and Taxation Code; and the 1996 United States Environmental Protection Agency Enforcement Response Policy for the Resource Conservation and Recovery Act.

### **Article 3. Application Process**

#### **15120. *Who can apply to be a Certified Unified Program Agency?***

(a) Counties must apply.

(b) Cities or other local agencies which qualify pursuant to Health and Safety Code, Section 25404.1(b)(2) may apply.

(c) Two or more counties, cities or other local agencies which have formed or propose to form a Joint Powers Agency (JPA) may apply.

(1) Cities or other local agencies which have formed or propose to form a JPA may apply if one of the following is true:

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(i) A maximum of two member agencies of the JPA have not implemented the Business Plan program or the Underground Storage Tank program

prior to December 31, 1995 and at least one member agency has implemented the Business Plan program or the Underground Storage Tank program prior to December 31, 1995 , or

(ii) The JPA has an agreement with the County to implement the Unified program in the JPA's jurisdiction, or

(iii) The county is a member agency of the JPA.

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Section 25404.1(b), Health and Safety Code.

**15130. *What are the application notices and deadlines?***

(a) A non-county agency which intends to apply for certification as a CUPA shall file with the Secretary and the county within which the city or other local agency is located, a letter which expresses the applicant's intent to apply. This "intent to apply" letter shall be valid if mailed to: Unified Program Certification, c/o: Department of Toxic Substances Control, P.O. Box 806, Sacramento, California, 95812-0806 by December 31, 1994.

(1) Failure to file an intent to apply letter shall not serve as grounds for the Secretary to reject an application.

(b) Any request by a non-county agency to the Secretary for approval to apply for certification pursuant to Health and Safety Code, Section 25404.1(b)(2)(B) shall be submitted in writing.

(1) In its request, the applicant shall specify the date on which it received the county's reasons for failing to enter into an agreement. Any relevant correspondence to or from the county shall be attached to the request.

(2) The Secretary shall respond within 45 days of receiving the request.

(c) A city or other local agency which intends to act as a participating agency shall notify the county in which it is located of this intent, no later than December 31, 1994.

(1) Failure of a city or other local agency that qualifies pursuant to Section 25404.1(b)(4) to provide this notification shall not serve as grounds for a county to refuse to include the city or other local agency as a participating agency in an application for certification.

(d) Each county shall and each city or other local agency within the county which qualifies pursuant to Health and Safety Code, Section 25404.1(b)(2) and chooses to apply, shall apply for certification on or before January 1, 1996.

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(e) Two or more counties, cities, or other local agencies which have formed or propose to form a Joint Powers Agency may apply jointly for certification on or before January 1, 1996.

(f) A city which incorporates after January 1, 1996 may apply for certification as a CUPA pursuant to Health and Safety Code, Section 25404.1(b)(2)(B) and Section 15130(b) above. Any request to the Secretary for approval to apply for certification shall be submitted within 180 days of incorporation.

(g) Applications shall be valid if they meet the requirements of this article and one copy is mailed to: Unified Program Certification, c/o: Department of Toxic Substances Control, P.O. Box 806, Sacramento, CA 95812-0806.

Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code. Reference: Section 25404.1(b), Health and Safety Code.

***15140. Must proposed participating agencies enter into final agreements with the applicant agency before the application is submitted?***

(a) The application for certification shall include an Agreements Section [refer to Section 15150(d)]. The Agreements Section shall include draft or final agreements between the applicant agency and all proposed participating agencies. Final copies of all agreements must be submitted to the Secretary prior to certification.

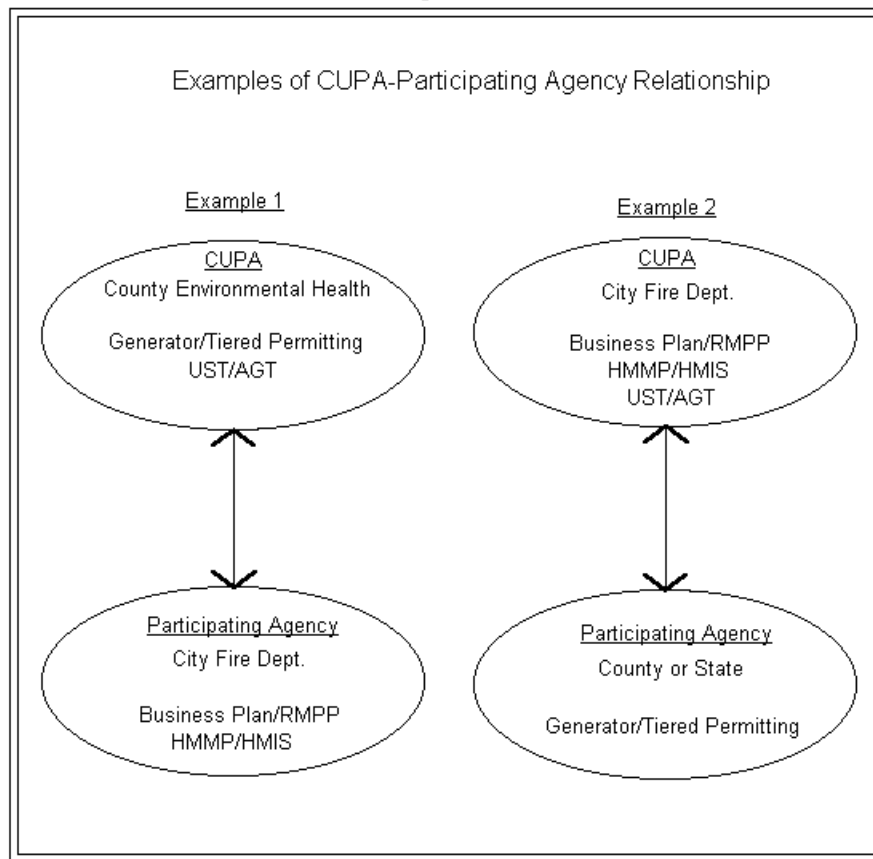
(1) If an applicant agency proposes that any agency other than itself implement any aspect of the single fee system including the surcharge, the applicant agency shall maintain a written agreement specifying responsibilities.

(A) The written agreement shall identify responsibility for absorbing funds lost to non-payment of fees.

(B) The written agreement shall identify under what conditions and authority fees will be waived.

Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code; Reference: Section 25404.3(d), Health and Safety Code.

Figure 2



**15150. *What information must be provided in an application?***

- (a) Identify which agency will be the point of contact within the CUPA.
  - (1) An applicant agency shall designate only one administrative body, such as an internal department or office within a county or city, within that jurisdiction as the point of contact for Unified Program implementation.
  - (2) The governing body of the applicant agency may designate itself as the point of contact by not specifying any other.
  - (3) The applicant agency shall provide the name, address, phone number, and facsimile number of the contact (use Appendix A).
- (b) The application for certification as a CUPA shall be signed by at least one elected or appointed official who is authorized to represent the jurisdiction.
- (c) The application for certification shall include an Authorizations Section including a list and brief description of all ordinances and resolutions used in the Unified Program.



- (1) If overlapping authority will arise pursuant to certification under this Division, the applicant agency shall include in the application, a discussion of how jurisdictional authority will be managed to ensure that health and safety are maintained within the jurisdiction.
  - (2) Copies of all underground storage tank ordinances required by Health and Safety Code, Chapter 6.7 must be provided.
- (d) The application for certification shall include an Agreements Section including copies of all agreements or draft agreements between the applicant agency and proposed participating agencies [refer to Section 15140].
- (e) The application for certification will be constructed in sections so as to meet the requirements of and the structure of Appendix A and shall include the following:
  - (1) A cover sheet which shall be Appendix A filled out with the appropriate information.
  - (2) For a county applicant, documentation that cities within the county either intend or do not intend to apply to be a CUPA. Documentation may take the form of a listing of all cities within the county with an indication of whether they intend to apply or not.
  - (3) A description of the geographic scope of the Unified Program.
  - (4) The number of regulated businesses within the jurisdiction, including: the total number of businesses regulated, the number of regulated underground tanks in the jurisdiction and the number of regulated businesses authorized under the permit-by-rule, conditionally authorized and conditionally exempt tiers of Tiered Permitting. Table 1 is to be used to provide this information unless otherwise agreed upon between the applicant agency and the Secretary.
  - (5) The structure of the proposed Unified Program.
    - (A) The structure may be presented as an organizational chart of the Unified Program.
  - (6) A Unified Program Implementation Plan.
    - (A) The implementation plan shall provide a description or implementation time line which includes all phases from start-up through full operation.
    - (B) The implementation plan will include specific information required for the Secretary's evaluation pursuant to Sections 15170, 15190, 15200, 15210, 15220 and 15230, 15240, 15250 as well as how the Unified Program will coordinate, consolidate, and make consistent the required program elements.
    - (C) The implementation plan shall identify the agreements which exist or are proposed between the applicant agency and all proposed participating

agencies. Such agreements shall be included in the Agreements Section of the application for certification [refer to subsection (d) of this Section].

(7) Adequate information to determine that responsible agencies meet expertise requirements specified in Sections 15260 and 15270.

(i) Table 2 and Table 4 may be used to provide this information.

(ii) If Table 2 and Table 4 are not used, the information required in the tables must be provided in some form.

(8) Adequate information to determine that responsible agencies meet training requirements specified in Sections 15260 and 15270.

(9) Certify that the administrative procedures of the proposed Unified Program will meet the requirements of Section 15180. Use Appendix B.

(10) A Consolidated Permit plan which meets the requirements of Section 15190.

(11) An Inspection and Enforcement Program plan which meets the requirements of Section 15200.

(12) A Fee Accountability Program in compliance with Section 25404.5(c) of the Health and Safety Code and Section 15210.

(13) A Single Fee System Implementation Plan which meets the requirements of Sections 15210 and 15220.

(14) A budget and funding mechanism for the Unified Program which meets the requirements of Section 15170(c), staff time allocations, and certification that adequate resources exist to carry out the Unified Program. Table 3 may be used to provide information on staff time allocations. Appendix B will be used to certify adequate resources exist.

(15) A description of how the CUPA will fulfill reporting requirements and certification that it will meet requirements of Article 6 below. Use Tables 5 and 6 for information and Appendix B for certification.

(16) A summary of program implementation history which shall include the following information. Table 2 may be used to provide this information.

(A) A list of the Unified Program elements that have been managed by the applicant agency and participating agencies for the past three years. This list shall include voluntarily consolidated programs.

(B) A summary of inspection and enforcement activities within the scope of the Unified Program, undertaken within the past three years, including the types and numbers of inspections conducted and enforcement actions handled.

(17) A description of record keeping and costs accounting systems.

(18) A description of responsible agency compliance with the criteria identified in the California Code of Regulations, Title 22, Section 66272.10 except subsections (b)(2) and (b)(3).

(19) A description of any additional programs, including but not limited to

hazardous waste source reduction and pollution prevention programs, incorporated into the Unified Program.

(20) An explanation of why the Secretary need not be concerned that certification of the applicant agency might lead to adverse impacts on the county.

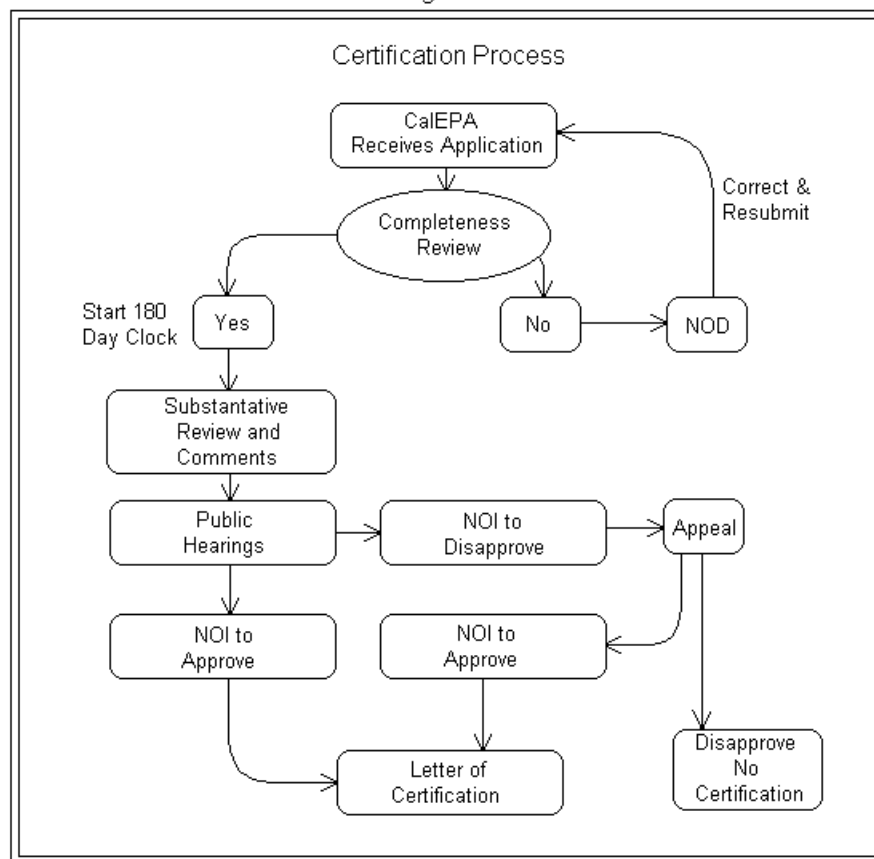
(21) A description of how certification of the proposed Unified Program will lead to less fragmentation between jurisdictions within the county and consistency throughout the entire county.

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(b), 25404.2, 25404.3(b),(c) and (d), and 25404.5, Health and Safety Code.

#### **Article 4. Certification Process and Responsibilities**

**15160. *How will the certification process proceed once the Secretary receives an application?***

Figure 3



**(a) Completeness review.**

**(1)** Each application shall be reviewed to determine whether all required information has been provided. Such review shall be finished within ninety (90) days of receipt of the application. Within the 90 day period:

**(A)** The Secretary shall send a notice of completeness to an applicant agency whose application has been determined to contain all necessary components with a request for 4 additional copies of the application; or

**(B)** The Secretary shall return an incomplete application to the applicant agency.

**(i)** The Secretary shall notify an applicant agency of an incomplete application by using a Notice of Deficiency (NOD).

**(ii)** In the NOD, the Secretary shall specify those provisions of the application which are not sufficient and the date by which the additional information is due.

**(b) State agency review and recommendation.**

**(1)** Applications which are found to be complete shall be reviewed pursuant to Health and Safety Code, Section 25404.3(b). In determining whether an applicant agency should be certified, the Secretary shall consider comments from the following or their designee:

. Director of Department of Toxic Substances Control

. Director of the Office of Emergency Services

. State Fire Marshal

. Executive Officer and Chairperson of the State Water Resources Control Board

. Executive Officers and Chairpersons of the California Regional Water Quality Control Boards

**(2)** Comments and recommendations to the Secretary shall be based on analysis of the application contents and consideration of the requirements of this Division.

**(c) Public hearing.**

**(1)** The Secretary shall hold a public hearing regarding the application for certification.

**(2)** The Secretary may group public hearings for efficiency purposes.

**(3)** The Secretary shall consider comments received as part of the public hearing in the determination of whether an applicant should be certified.

**(d) The Notice of Intent (NOI).**

**(1)** The Secretary shall complete the review process and issue a Notice of Intent (NOI) within 180 days of receipt of four additional copies of the complete

application for certification.

**(A)** The Secretary shall issue a Notice of Intent to disapprove the application for certification if the Secretary finds the applicant agency should not be certified. The NOI to disapprove shall identify those areas of the Unified Program which are deficient.

**(B)** The Secretary shall issue a Notice of Intent to approve if the Secretary intends to approve an application for certification.

**(2)** During periodic review of the Unified Program, or review of an amended application, if the Secretary finds the Unified Program or the Unified Program implementation to be deficient, the Secretary shall issue a Notice of Intent to withdraw certification. The NOI shall identify those areas of the Unified Program which are deficient.

**(e) Final Decision.**

**(1)** The Secretary's final decision shall be issued in writing to the applicant agency within 30 days of issuing the NOI, except as provided in section 15160(f). The certification shall include the date upon which the CUPA's authority shall commence.

**(2)** For purposes of this Division and Division 4.5 of Title 22 of the California Code of Regulations, "certification" of a CUPA shall constitute "designation" pursuant to Health and Safety Code, Section 25180, of the responsible agency implementing Chapter 6.5 of the Health and Safety Code, pursuant to Section 66272.10, California Code of Regulations.

**(f) Certification Decision Appeal Process.**

**(1)** Within 30 days of receipt of a NOI to disapprove certification, the applicant agency may respond to the reasons specified and correct the deficiencies in its application.

**(2)** Within 30 days of receipt of a NOI to withdraw certification, the CUPA may respond to the reasons specified and correct the deficiencies in its Unified Program.

**(3)** In addition to an applicant's rights pursuant to (1) above, the applicant agency may request a second public hearing, at which time the Secretary shall hear the applicant agency's response to the reasons specified in the NOI to disapprove.

**(4)** The appeal process shall be completed within 60 days of receipt of the appeal.

**(5)** The Secretary's final decision on the certification decision appeal shall be issued in writing.

Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404(d), 25404.3, 25404.4(a), Health and Safety Code.

**15170. *What criteria will the Secretary use to evaluate applications?***

- (a) Adequacy of technical expertise as required by Sections 15260 and 15270.
- (b) Adequacy of staff resources which the applicant agency shall demonstrate by submitting the following information to be analyzed:
  - (1) the number and type of regulated businesses within the jurisdiction;
  - (2) an estimate of the annual number of compliance and complaint inspections;
  - (3) the time allocation requirements of local agency staff shall be computed on a full time equivalent basis, not to exceed 1776 work hours per year per person, for the following:
    - (A) inspections and the related travel, research, analysis of findings, and documentation;
    - (B) inspection and enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;
    - (C) permit activities including application reviews, modifications and revisions, and facility evaluations;
    - (D) training including field, meetings, seminars, workshops, courses and literature reviews; and
    - (E) management including day to day operation scheduling and supervision.
  - (4) an estimate of required staff and supervisory personnel to manage the single fee system, surcharge system and fee accountability system.
  - (5) the number of support staff, both technical and non-technical, for all program elements.
  - (6) description of contacts, working relationship with local prosecution and law enforcement agencies (i.e., District Attorneys, strike force memberships, etc.).
- (c) Adequacy of budget resources and funding mechanisms. The applicant agency shall include as part of the application, a summary of projected annual funding and expenses for the entire local Unified Program. Adequacy of budget resources and funding mechanisms shall be calculated as the ratio of funding to expenses, a value of one (1) being the standard for most adequate.
- (d) Adequacy of training requirements as required by Sections 15260 and 15270.
- (e) Past performance. The Secretary, shall evaluate the past performance of the applicant agency and its proposed participating agencies in implementing hazardous materials and hazardous waste management programs.

**(f)** Record keeping and cost accounting systems proposed for the Unified Program, including:

- (1)** Elements required by the Secretary pursuant to Health and Safety Code, Section 25206;
- (2)** A method for calculating program costs;
- (3)** Permit fee structure;
- (4)** Fee collection process;
- (5)** Data management.

**(g)** Compliance with the criteria in Section 66272.10 of Title 22 of the California Code of Regulations, except for the requirement of paragraph (2) of subdivision (b) of that section related to county-wide jurisdiction and paragraph (3) of subdivision (b) of that section related to temporary household hazardous waste collection facilities.

**(h)** Additional programs, including but not limited to programs such as hazardous waste source reduction and pollution prevention programs, incorporated into the Unified Program.

**(i)** Identified adverse impacts on the county. The Secretary will give particular consideration to written comments or comments received during the public hearing.

**(j)** Less fragmentation within the county. The Secretary shall not certify an agency unless there is a finding that the administration of the Unified Program throughout the entire county in which the applicant agency is located will be less fragmented between jurisdictions, as compared to before January 1, 1994, with regard to the administration of the provisions specified in Health and Safety Code 25404(c). The Secretary shall consider, but shall not be limited to, the following measures of fragmentation. The applicant agency shall justify its certification with respect to these measures in the implementation plan required pursuant to Section 15150(e)(6).

**(1)** The number of local agencies managing the six Unified Program elements listed in Health and Safety Code, Section 25404(c) within the county prior to January 1, 1994 and the number of local agencies managing those program elements as proposed by the applicant agency.

**(2)** The number of local agencies a regulated business had to work with for the Unified Program elements prior to January 1, 1994 and the number of agencies a regulated business will have to work with as proposed by the applicant agency.

**(k)** County-wide coordination and consistency. The Secretary shall not certify an agency unless there is a finding of county-wide coordination and consistency. In the finding, the Secretary shall consider, but not be limited to the following:

- (1) Agreements among the county, city, and local agency applicants indicating consistency with a county-wide Unified Program.
- (2) A list of cities within the county that have been informed and do not intend to apply to be a CUPA.

(l) Evidence that an applicant agency which proposes in its Unified Program implementation plan to allow other agencies to implement program elements has met the requirements of Health and Safety Code, Section 25404.3(d). The Secretary shall not certify an applicant agency which proposes to include participating agencies in the Unified Program, unless there is a finding that:

- (1) The applicant agency has adequate authority and has adequately designed the Unified Program to ensure coordination and consistency between program elements;
- (2) The proposed participating agencies have met the education, training and experience requirements identified in Section 15260 and 15270, and have adequate resources to implement the program element(s) which the applicant agency has proposed it will take on; and
- (3) All necessary agreements are in place, pursuant to Health and Safety Code, Section 25404.3(d)(3) and (d)(4).

(m) The requirements of Sections 15160(b) and 15160(c).

(n) The Secretary shall also consider the following:

- (1) The implementation plan for the consolidation of permits, consolidation of inspections and enforcement, and consolidation of fees.
- (2) Documentation of authority to implement program elements, such as the required ordinances and resolutions passed by a local government to implement the underground tank program and the business plan program.
- (3) If the program will be fully operational no later than one year after certification.
- (4) If certification will result in overlapping agency authority within the jurisdiction, the Secretary shall consider the discussion required pursuant to Section 15150(c)(1).

Authority cited: Sections 25404(b), 25404.2(c), 25404.3(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(a) and (c), and 25404.3(b),(c) and (d), Health and Safety Code.



**APPENDIX A**  
**CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)**  
**APPLICATION COVER SHEET**  
**COMPLETENESS CHECKLIST**

**JURISDICTION NAME:** \_\_\_\_\_

**CONTACT PERSON NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**MAILING ADDRESS (if different):** \_\_\_\_\_

**DATE OF APPLICATION:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_ **FACSIMILE NUMBER:** \_\_\_\_\_

ITEM	DESCRIPTION	CITATION	PAGE #
1	Appendix A\or this checklist	15150(e)(1)	
2	Demographic Information	15150(e)(4)	
3	Applicant Information	15150	
4	Implementation History	15150(e)(16)	
5	Geographic Scope	15150(e)(2) & (3)	
6	Structure of CUPA	15150(e)(5)	
7	Authorizations	15150(c)	
7A	Regulatory Authority		
7B	Ordinances & Resolutions	15150(c)(1) & (2)	
8	CUPA and PA Issues	15150(d)	
9	Unified Program Implementation Plan	15150(e)(6)	
10	Consolidated Permit Plan	15150(e)(10)	
11	Inspection & Enforcement Plan	15150(e)(11)	
12	Fee Accountability Program	15150(e)(12)	
12A	Staff Resource Adequacy	15170(b)(3)(A-E) (b)(4), (b)(5)	
12B	Budget Adequacy/Annual Funding	15150(e)(14) 15170(c)	
12C	Contents of Fee Accountability Program and Cost Calculation Methods	15170(f) 15210(b)(1)	

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ITEM	DESCRIPTION	CITATION	PAGE #
13	Reporting & Auditing Requirements	15150(e)(13)	
14	Recordkeeping & Cost Accounting Systems	15150(e)(15)	
15	Title 22, CCR, Section 66272.10 Compliance	15150(e)(17)	
16	Training and Technical Expertise	15150(e)(18)	
17	Additional Programs Elements	15150(e)(7) 15150(e)(8)	
18	No Adverse Impacts/ Less Fragmentation/Coordination and Consistency	15150(e)(19)	
19	Certifications	15150(e)(20) 15150(e)(21)	
20	Signature of Authorized Representative	15150(e)(9) 15150(e)(14) 15150(e)(15)	
21	County Waiver of Surcharge Assessment (Optional)	15150(b)	
22	TABLES	HSC 25404.5(d)	
	Enumerations/Demographic Information		
1	Summary of Program Activities	15150(e)(4)	
2	Time Allocation of Staff	15150(e)(16)	
3	Training and Technical Expertise	15150(e)(14) 15170(b)	
4	Reporting and Auditing Requirements	15150(e)(7) 15150(e)(8)	
5	Reporting and Auditing Requirements		
6	Surcharge Transmittal Report		
7	Annual Single Fee Summary Report	15250(b)	
8	CHARTS	15280(b)	
	Implementation Timeline		
	FIGURE	15150(e)(6)(A)	
	Organizational Chart		
		15150(e)(5)	

Only one signature will be required for the Certified Unified Program Agency Application. Please see the signature block located in Attachment 2 (Certification Sheet).

**APPENDIX B  
CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)  
APPLICANT CERTIFICATION**

I hereby certify the following:

1. I have read and understand Sections 15130 and 15150(e)(9),(14) and (15) of Article 3, Chapter 1, Subdivision 4, Division 1, Title 27 of the California Code of Regulations.
2. The administrative procedures of the proposed Unified Program, as implemented by my agency, will meet the standards described in Section 15180 of Title 27, CCR.
3. The Unified Program, as implemented by my agency, will meet the reporting requirements as described in Article 6 of Title 27, CCR.
4. All responsible agencies involved in the implementation of the Unified Program, as proposed by this application, have adequate resources to carry out the Unified Program.
5. If I am a non-county entity, that I have notified the county of my intent to apply to administer the Unified Program within my jurisdiction.
6. I agree to use state certified laboratories for analysis required under the Generator Program by Health and Safety Code Chapter 6.5 (refer to Health and Safety Code Section 25198)
7. The information provided within this application is true to the best of my knowledge.
8. I understand that this certification is an integral part of the formal application for certification as a Certified Unified Program Agency, and that any false statement may be grounds for denial or revocation of the Unified Program authorization by the Secretary of the California Environmental Protection Agency.

Signature of Elected Official or Authorized Representative

Date:\_\_\_\_\_

Title: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

**TABLE 1**  
**ENUMERATIONS / DEMOGRAPHIC INFORMATION**

PROGRAM	# OF BUSINESSES OR # USTs	MANDATED INSPECTION FREQUENCY	APPLICANT INSPECTION FREQUENCY	AGENCY TO INSPECT
Total # of all regulated businesses				
UST program		At least once every 3 years		
Total # of USTs				
SPCC				
HMMP*				
HMRRP		At least once every 3 years		
PBR		At least once every 3 years		
CA		At least once every 3 years		
CE		At least once every 3 years		
RMPP		At least once every 3 years		
Generators		no mandated frequency **		

- If the HMMP is fully covered by the HMRRP, leave this row blank.
- \*\*Although the generator program has no mandated inspection frequency, if generator inspections are to be incorporated as part of the Unified Program, their inspection frequency should be coordinated with the inspection frequencies of the other Unified Program elements.

Regulatory Citations: Title 27, CCR Section 15150(e)(4)

Title 27, CCR Section 15170(b)(1)

Title 27, CCR Section 15200(b)

Title 27, CCR Section 15200(f)(1)(A-C)

Title 27, CCR Section 15210(b)(1)(F-H)

Title 27, CCR Section 15150(e)(16)

Title 27, CCR Section 15200(b)(1-5)

(Cal/EPA T01 11/95)

**Instructions for Table 1**

Fill in the Jurisdiction name that is the reporting applicant agency or CUPA.  
Fill out the blank and unshaded boxes.

# OF BUSINESSES - Number of businesses regulated under each of the programs listed.

MANDATED INSPECTION FREQUENCY - Lists the statutorily required minimum inspection frequency.

APPLICANT INSPECTION FREQUENCY - The inspection frequency established by the applicant agency in the Inspection and Enforcement Plan.

AGENCY TO INSPECT - Which internal CUPA department, office, or agency will inspect or which external local government (participating agency) will inspect.

Total # of all regulated businesses - Total of all businesses within all regulated programs. Do not double count businesses for this total.

Example: A business that stores hazardous waste in two underground tanks for use in an onsite PBR treatment process.

This business would count as one (1) regulated business for the "Total # of all regulated businesses" block of the chart. This same business would count as one (1) regulated business in the Underground Storage Tank program (UST program) with a total of two Underground Storage Tanks (UST's), one (1) regulated business in the HMRRP, one (1) regulated business in the generator program, and one (1) regulated business in the PBR Onsite Hazardous Waste Treatment program.

UST program - Underground Storage Tank program

Total # of USTs - Total number of underground storage tanks that the business has onsite.

SPCC - Spill Prevention Control and Countermeasure Plan.

HMMP - Hazardous Material Management Plan.

HMRRP - Hazardous Materials Release Response Plan and Inventory Program.

PBR - Permit-By-Rule Onsite Hazardous Waste Treatment program.

CA - Conditionally Authorized Onsite Hazardous Waste Treatment program.

CE - Conditionally Exempt Onsite Hazardous Waste Treatment program.

RMPP - Risk Management and Prevention Program.

Generators - Hazardous Waste Generator program.

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Jurisdiction: \_\_\_\_\_

**TABLE 2**

**SUMMARY OF PROGRAM ACTIVITIES**

FISCAL YEAR \_\_\_\_/\_\_\_\_

	PROGRAM HISTORY		INSPECTIONS					ENFORCEMENT ACTIONS TAKEN					
	Program In Place In Above Fiscal Year? (Y/N)	Estimated Budget For This Program During The Fiscal Year Above (If the program was in place)	# of Routine Planned	# of Routine Completed	# of Complaint Completed	# of Minor Violations	# of Major Violations	INFORMAL ACTION/ RETURNED TO COMPLIANCE	Admin.	Civil	Criminal	Total Penalties Assessed	Total Penalties Collected
UST													
SPCC													
HMMP													
HMRRP													
PBR													
CA													
CE													
RMPP													
GENERATOR													

Regulatory Citations: Title 27 CCR Section 15280(a)(2), Title 27 CCRSection 15150(e)(16)(B)

(Cal/EPA T02 11/95)

**Instructions for Table 2**

Fill in the Jurisdiction name that is the reporting applicant agency or CUPA.

Fill in the fiscal year that the Table is used for.

Fill out the blank and unshaded boxes.

See instructions for Table 1 for definitions of program abbreviations.

**PROGRAM HISTORY:**

PROGRAM IN PLACE IN ABOVE FISCAL YR? (Y/N) - Insert yes or no as appropriate.

ESTIMATED BUDGET FOR THIS PROGRAM DURING THE FISCAL YR ABOVE (IF PROGRAM WAS IN PLACE) - Give the dollar amount of the estimated budget or the actual budget.

**INSPECTIONS:**

# OF ROUTINE PLANNED - Number of routine inspections planned in the fiscal year noted.

# OF ROUTINE COMPLETED - Number of routine inspections completed in the fiscal year noted.

# OF COMPLAINT COMPLETED - Number of complaint inspections completed in the fiscal year noted.

# OF MINOR VIOLS - Number of minor violations in the fiscal year noted.

# OF MAJOR VIOL - Number of major violations in the fiscal year noted.

**ENFORCEMENT ACTIONS TAKEN:**

INFORMAL ACTION/ RETURNED TO COMPLIANCE - The number of informal enforcement actions or return to compliance actions taken during the fiscal year noted.

ADMIN - The number of administrative enforcement actions taken during the fiscal year noted.

CIVIL - The number of civil enforcement actions taken during the fiscal year noted.

CRIMINAL - The number of criminal enforcement actions taken during the fiscal year noted.

TOTAL PENALTIES ASSESSED - The total dollar amount of penalties assessed in the fiscal year noted.

TOTAL PENALTIES COLLECTED - The total dollar amount of penalties collected in the fiscal year noted.

**Title 27**  
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Jrisdiction: \_\_\_\_\_

**TABLE 3**  
**TIME ALLOCATION OF STAFF**

	# of inspect- tions /yr *See 1 below	Hours/ inspect- tion	Total (hrs/yr)	# of enforce- ments /yr * See 2 below	Hours/ Enforce- ment	Total Enforce- ment (hrs/yr)	# of Permit/ Year *See 3 below	Hours/ permit	Total Permit (hrs /yr)	# of Train- ings /yr *See 4 below	Hours/ Training	Total Training (hrs/ yr)	Total Manage- rial Hrs *See 5 below	All Other Indi-rect Activities
UST														
SPCC														
HMMP														
HMRRP														
PBR														
CA														
CE														
RMPP														
GENER														
TOTAL														

The following are guidelines/definitions to be used in determining time allocations:

1. Inspection: includes travel, research, analysis of findings, documentation, warnings and notices
2. Enforcement: includes warnings, notices, meetings, hearings, legal proceedings and documentation
3. Permit activities: includes application review, modification, revision and evaluation
4. Training: includes field, meeting, seminars, workshops, courses and literature reviews
5. Management: includes day-to-day scheduling and supervision

Regulatory Citations Title 27 CCR Sections 15170(b)(3)(A-E)  
Title 27 CCR Sections 15170(b)(4)  
Title 27 CCR Sections 15170(b)(5)  
Title 27 CCR Sections 15150(e)(14)

(Cal/EPA T03 11/95)



Jurisdiction: \_\_\_\_\_

**Table 4**  
**TRAINING AND EXPERTISE**

	Please indicate the number of staff with experience related to any/all program elements:
--	--

Job Title	0 - 2 years	3 – 5 years	6 - 9 years	10+ years

It is suggested that job titles in the first column of the table be provided in the following format for each applicable program element:

Program element, staff level  
 Example:    UST, Supervisor(s)  
                   Generator, Field Staff

See instructions for Table 1 for program abbreviations.

(Cal/EPA T04 11/95)